

REMARKS / DISCUSSION OF ISSUES

Claims 1, 3-4, 6-8, 10-12 and 16 are pending in the application where claims 2, 5, 9, 13-15 and 17-20 have been canceled without prejudice.

The Final Office Action rejects claims 14-15 and 17-20 under 35 U.S.C. §112, first paragraph. Without agreeing with the position forwarded in the Office Action, and in the interest of advancing prosecution, claims 14-15 and 17-20 have been cancelled without prejudice. The cancellation of claims 14-15 and 17-20 renders moot these rejections under 35 U.S.C. §112, first paragraph.

The Final Office Action rejects claims 16 and 19 under 35 U.S.C. §112, second paragraph. As noted above, claim 19 has been cancelled without prejudice and claim 16 has been amended for better clarity. It is respectfully submitted that the rejection of claim 16 has been overcome and an indication as such is respectfully requested.

The Final Office Action rejects claims 1, 3-4, 6-8, 10-12 and 16 under 35 U.S.C. §103(a) over U.S. Patent No. 5,917,822 (Lyles) in view of U.S. Patent Application Publication No. 2002/0176361 (Wu), and rejects claims 14-15 and 17-20 under 35 U.S.C. §103(a) over Lyles in view of Wu and U.S. Patent No. 6,549,515 (Sourani). It is respectfully submitted that claims 1, 3-4, 6-8 and 10-20 are patentable over Lyles, Wu and Sourani for at least the following reasons.

On page 5 of the Final Office Action, the Examiner correctly noted that Lyles does not teach or suggest merging and sending of request in dependence on histories of access requests previously merged, multi requests previously sent and/or grants previously received. Wu is cited in an attempt to remedy the deficiencies in Lyles.

Wu discloses in paragraph [0029] that:

[d]uring a learning phase, data are transmitted at a relative slow and "safe" constant rate to collect a **history of feedback messages**.... After the learning phase, the data rate [between a transmitter and a receiver] is adapted to best utilize the available bandwidth without congestion. (Emphasis added)

Wu further discloses in paragraph [0028] that:

[i]In response to receiving packets, the receiver 102 sends
feedback messages 106-107 upstream, (Emphasis added)

Thus, the Wu feedback messages are provided in response to receiving packets. There is simply no disclosure or suggestion in Lyles, Wu, and combination thereof, of the present invention as recited in independent claim 1, and similarly recited in independent claims 4, 7-8 and 11-12 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the secondary station is arranged to adapt
the merging of the access requests in **dependence on histories of
access requests previously merged, multi requests previously
sent and/or grants previously received.**

The Wu feedback messages, that are provided in response to receiving packets, are not equivalent to "histories of access requests previously merged, multi requests previously sent and/or grants previously received," as recited in independent claim 1, and similarly recited in independent claims 4, 7-8 and 11-12. Sourani is cited to allegedly show other features and does not remedy the deficiencies in Lyles and Wu.

Accordingly, it is respectfully submitted that independent claims 1, 4, 7-8 and 11-12 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 3, 6, 10 and 16 should also be allowed at least based on their dependence from independent claims 1, 4 and 8.

In view of the foregoing, applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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